IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO. 44 OF 1998

Laxman Kondiba Dhanavade and others .. Petitioners
v/s.
Grocery Markets & Shops Board for Greater Bombay
and others .. Respondents

Mr.M.M. Vashi for the petitioner.
Mr. B.A. Bukhari i/by Mr. A.V. Bukhari for the respondent No.1.
Ms. L.S. Desai for the respondent No.2.
Mr. P.G. Sawant, Assistant Government Pleader for the respondent No.3.

CORAM : R.M. LODHA &
SMT.NISHITA MHATRE , JJ.

DATED : 17TH JANUARY, 2007

P.C.

We heard Mr. M.M. Vashi, the counsel for the petitioners, Mr. B.A. Bukhari, the counsel for the respondent No.1 and Ms. L.S. Desai, the counsel for the respondent No.2.

2. The petitioners' challenge in this writ petition is to the following part of the order dated 29.9.1997:

> "The workers of Tolly No.10 have carried out the work at Grain Depot for considerable period. Hence to protect their interest, the Grocery Board is directed to register the workers of TollyNo.10 of the Railway Board as per seniority if and when new workers are required to be registered by

them. Railway Board on such registration shall cancel the registration of such workers simultaneously."

3. Besides that, the aforesaid direction is imminently just and proper and cannot be said to be prejudicial to the interest of the petitioners. The fact that the workers of Tolly No.10 have neither been impleaded individually or collectively in the writ petition, in our considered view, the afore-noticed direction which stands in their favour, cannot be set aside at their back.

4. Writ petition is liable to be dismissed. We order accordingly. Rule is discharged. No costs.

(R.M.LODHA, J.)

(SMT. NISHITA MHATRE, J.)